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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

China and Cuba:* draft resolution

Promotion of equitable geographical distribution in the membership of the human rights treaty bodies

The General Assembly,

Recalling its previous resolutions on this question,

Reaffirming the importance of the goal of universal ratification of the United Nations human rights instruments,

Welcoming the significant increase in the number of ratifications of United Nations human rights instruments and the movement of some treaties towards universal ratification,

Reiterating the importance of the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments for the full and effective implementation of those instruments,

Recognizing that the equitable geographical distribution of membership is an essential requirement for the effective functioning of the treaty bodies,

Recalling that, with regard to the election of the members of the human rights treaty bodies, the General Assembly and the former Commission on Human Rights recognized the importance of giving consideration in their membership to equitable geographical distribution, gender balance and representation of the principal legal systems and of bearing in mind that the members shall be elected and shall serve in their personal capacity, and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

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Taking note of the report of the Secretary-General,[1]

Recognizing that the United Nations pursues multilingualism as a means of promoting, protecting and preserving diversity of languages and cultures globally and that genuine multilingualism promotes unity in diversity and international understanding,

Recalling that the General Assembly and the former Commission on Human Rights encouraged States parties to United Nations human rights treaties, individually and through meetings of States parties, to consider how to give better effect, inter alia, to the principle of equitable geographical distribution in the membership of treaty bodies,

Expressing its deep concern at the regional imbalance in the current composition of the membership of the human rights treaty bodies in favour in particular of representatives of members from Western European and other States, as indicated and highlighted in the report of the Secretary-General,

Reaffirming the importance of increasing efforts to address that imbalance,

Convinced that the goal of equitable geographical distribution in the membership of human rights treaty bodies is perfectly compatible and can be fully realized and achieved in harmony with the need to achieve gender balance and the representation of the principal legal systems in those bodies and the high moral character, acknowledged impartiality and recognized competence in the field of human rights of their members,

1. *Reiterates* that the States parties to the United Nations human rights instruments should take into account, in their nomination of members to the human rights treaty bodies, that these committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of persons having legal experience and to equal representation of women and men, and that members shall serve in their personal capacity, and also reiterates that, in the elections to the human rights treaty bodies, strong consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

2. *Urges* the States parties to the United Nations human rights instruments, including the bureau members, to include this matter in the agenda of each meeting and/or conference of States parties to those instruments in order to initiate a debate on ways and means to ensure equitable geographical distribution in the membership of the human rights treaty bodies, based on previous recommendations of the former Commission on Human Rights and the Economic and Social Council and the provisions of the present resolution;

3. *Encourages* the States parties to the United Nations human rights instruments to consider and adopt concrete actions, inter alia, the possible establishment of quotas by geographical region for membership of the treaty bodies, thereby ensuring the paramount objective of equitable geographical distribution in the membership of those human rights bodies;

4. *Recommends*, when considering the possible allocation of seats on each treaty body on a regional basis, the introduction of flexible procedures that encompass the following criteria:

[1] A/72/284.

(a) Each of the five regional groups established by the General Assembly is allocated seats on each treaty body in equivalent proportion to the number of States parties to the instrument in that group;

(b) There must be provision for periodic revisions of the allocation of seats in order to reflect relative changes in the level of treaty ratification in each regional group;

(c) Automatic periodic revisions should be envisaged in order to avoid amending the text of the instrument when the quotas are revised;

5. *Stresses* that the process needed to achieve the goal of equitable geographical distribution in the membership of human rights treaty bodies can contribute to raising awareness of the importance of gender balance, the representation of the principal legal systems and the principle that the members of the treaty bodies shall be elected and shall serve in their personal capacity, and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights;

6. *Requests* the Secretary-General, in consultation with the Office of the United Nations High Commissioner for Human Rights, to submit to the General Assembly at its seventy-fourth session a comprehensive updated report in this regard, including information on any steps taken by States parties at meetings or conferences of States parties to address the matter of equitable geographical distribution in the membership of the human rights treaty bodies, as well as concrete recommendations on the implementation of the present resolution;

7. *Decides* to continue its consideration of the question at its seventy-fourth session under the item entitled "Promotion and protection of human rights".